

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DAVID BOOKER,

Plaintiff

v.

HIGH DESERT STATE PRISON, *et al.*,

Defendants

Case No. 2:23-cv-00469-ART-DJA

**ORDER**

**I. DISCUSSION**

On June 7, 2023, the Court denied Plaintiff's application to proceed *in forma pauperis* as incomplete and directed Plaintiff to file a new fully complete application to proceed *in forma pauperis* or pay the \$402 filing fee. (ECF No. 16). After the Court granted Plaintiff an extension of time to file a fully complete application (ECF No. 20), Plaintiff filed three motions for injunctive relief, a motion to substitute the magistrate judge, and another incomplete application to proceed *in forma pauperis*. (ECF Nos. 21, 22, 23, 24, 25). The Court addresses the motions.

**A. Motion to Substitute Magistrate Judge (ECF No. 22)**

In the motion, Plaintiff alleges the U.S. Magistrate Judge Daniel Albregts called Plaintiff a "slave" and violated a "breach of cannon code." (ECF No. 22).

The Court denies the motion. In addressing one of Plaintiff's many motions, Judge Albregts summarized Plaintiff's arguments as to why Plaintiff thought that he did not have to pay the filing fee for this action. (ECF No. 16 at 1). This included quoting Plaintiff's argument that the filing fee was "like a slave's fee of purchasing their freedom papers." (ECF No. 10 at 3).

**B. Motions for Injunctive Relief (ECF Nos. 21, 23, 25)**

The Court defers a decision on the first motion for injunctive relief related to the denial of parole and procedural issues at a disciplinary hearing (ECF No.

21). The Court cannot address this motion until Plaintiff satisfies the matter of the filing fee, as discussed below.

In the second motion for injunctive relief (ECF No. 23), Plaintiff appears to be seeking criminal penalties against prison officials for not sending him his inmate account statement. The Court denies this motion but will grant Plaintiff an extension of time to file a fully complete application to proceed *in forma pauperis* or pay the full filing fee.

In the third motion for injunctive relief, Plaintiff wants to find the prison criminally and financially liable for damages under criminal and civil law (ECF No. 25). The Court denies this motion.

### **C. In Forma Pauperis Application (ECF No. 24)**

Plaintiff has filed another incomplete application to proceed *in forma pauperis* (ECF No. 24). Plaintiff has not submitted a completed financial certificate and an inmate accounting statement.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See* 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not

1 relieve an inmate of his or her obligation to pay the filing fee, it just means that  
2 the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

3 The Court will grant Plaintiff one final extension of time to either pay the  
4 full filing fee or file a completed financial certificate and a prison trust fund  
5 account statement for the previous six-month period.

## 6 **II. CONCLUSION**

7 For the foregoing reasons, it is ordered that the motion to substitute  
8 magistrate judge (ECF No. 22) is denied.

9 It is further ordered that a decision on the motion for injunctive relief (ECF  
10 No. 21) is deferred.

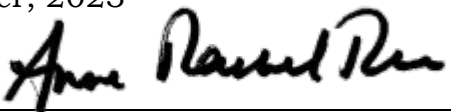
11 It is further ordered that the motions for injunctive relief (ECF Nos. 23, 25)  
12 are denied.

13 It is further ordered that the Clerk of the Court will send Plaintiff the  
14 approved form application to proceed *in forma pauperis* by an inmate, as well as  
15 the document entitled information and instructions for filing an *in forma*  
16 *pauperis* application.

17 It is further ordered that Plaintiff has until **October 27, 2023** to either pay  
18 the full \$402 filing fee or file a completed financial certificate and a prison trust  
19 fund account statement for the previous six-month period.

20 Plaintiff is cautioned that this action will be subject to dismissal without  
21 prejudice if Plaintiff fails to timely comply with this order. A dismissal without  
22 prejudice allows Plaintiff to refile the case with the Court, under a new case  
23 number, when Plaintiff can file a complete application to proceed *in forma*  
24 *pauperis* or pay the required filing fee.

25 DATED THIS 12<sup>th</sup> Day of September, 2023

26   
27 ANNE R. TRAUM  
28 UNITED STATES DISTRICT JUDGE